

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

LEHMAN BROTHERS HOLDINGS INC.,

Debtor.

Chapter 11 Case  
No. 08-13555 (SCC)

(Jointly Administered)

Lehman Brothers Holdings Inc., in its capacity as Plan  
Administrator on behalf of Lehman Brothers Special  
Financing Inc.

Plaintiff,

v.

LCOR Alexandria L.L.C.,  
PTO Holdings LLC, and  
Does 1-10

Defendants.

Adv. Proc. No. 13-01689 (SCC)

**SCHEDULING ORDER AND DISCOVERY PLAN**

WHEREAS, on November 21, 2013, Plaintiff Lehman Brothers Holdings Inc. (“LBHI”), in its capacity as Plan Administrator (“Plan Administrator” or “Plaintiff”) on behalf of Lehman Brothers Special Financing Inc. (“LBSF”) under the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors, filed an adversary complaint (the “Complaint”) commencing the above-captioned adversary proceeding (the “Adversary Proceeding”) against defendants LCOR Alexandria L.L.C. (“LCOR”), PTO Holdings LLC (“PTO Holdings” and together with LCOR, the “Named Defendants”) and Does 1-10;

WHEREAS, the Named Defendants filed an Answer to the Complaint on February 26, 2014;

WHEREAS, on April 29, 2014, the Plaintiff and the Named Defendants (together,

the “Parties” and each a “Party”) participated in an initial conference pursuant to Federal Rule 26(f) to discuss the schedule and discovery plan for the Adversary Proceeding.

NOW, THEREFORE, pursuant to Federal Rules of Civil Procedure (“Federal Rules”) 16 and 26(f), as made applicable by Rules 7016 and 7026 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), the Court hereby adopts the following stipulated schedule and discovery plan.

1. **SCHEDULE**

a. The Parties shall serve initial disclosures pursuant to Federal Rule 26(a)(1)(C) on or before May 20, 2014.

b. The Parties shall serve initial document discovery, requests for admissions, and interrogatories (the “Written Discovery Requests”) permitted by Local Bankruptcy Rules for the Southern District of New York on or before June 3, 2014, and the Parties will use reasonable efforts to begin rolling productions of responsive documents by July 3, 2014. Responses and objections, if any, to the Written Discovery Requests shall be served by July 3, 2014.

c. Privilege logs shall be served within 30 days of the production from which the logged documents have been excluded.

d. Depositions, other than production of documents by and depositions of experts, shall be completed by January 30, 2015.

e. The Parties shall identify expert witnesses and serve the written reports or disclosures required by Federal Rule 26(a)(2)(B)-(C), as made applicable by Bankruptcy Rule 7026, by February 27, 2015.

f. Expert depositions shall be completed by March 27, 2015.

g. The Parties shall identify any rebuttal expert witnesses who will testify solely in opposition to the experts and opinions disclosed pursuant to paragraph f above, and serve the

related written reports or disclosures required by Federal Rule 26(a)(2)(B)-(C), as made applicable by Bankruptcy Rule 7026, by April 10, 2015.

h. The Parties shall serve pretrial disclosure pursuant to Federal Rule 26(a)(3)(B) at least thirty days before trial.

i. At a date and time set by the Court during May 2015 or at the Court's convenience, the Parties shall attend a pre-trial conference before the Court to discuss issues related to dispositive motions and trial.

2. **NEW PARTIES AND CLAIMS**

a. Any motion to amend a pleading, other than a motion pursuant to Federal Rule 15(b) as made applicable by Bankruptcy Rule 7015, shall be served on or before February 27, 2015.

b. Nothing in this Scheduling Order and Discovery Plan will be deemed to waive or abridge any right to amend a pleading pursuant to Federal Rule 15(a)(1) as made applicable by Bankruptcy Rule 7015.

3. **CONDUCT OF DISCOVERY**

a. **Discovery Pursuant to the Rules.** All discovery shall proceed in accordance with the applicable Federal Rules, Bankruptcy Rules and the Local Bankruptcy Rules for the Southern District of New York, except as otherwise ordered by the Court or as specified herein.

b. **Inadvertently-Produced Material.** In accordance with Bankruptcy Rule 7026, Federal Rule 26(b)(5)(B), and Federal Rules of Evidence 502(b), inadvertent disclosure of any document shall not be deemed a waiver of, nor prejudice to, any privilege or immunity from disclosure with respect to such document or any information contained therein, including without limitation the attorney-client privilege, the joint-defense privilege, and the work-product doctrine,

provided that the producing party notifies the receiving party in writing promptly after discovery of such inadvertent production. All copies of any such document shall be returned to the producing party or destroyed, and any information obtained from such document shall be destroyed, within five days of such notice. Also within five days of such notice, the producing party shall serve a privilege log for each such document. The producing party shall maintain any such document until the parties resolve any dispute concerning the privileged nature of the document or the Court rules on any motion to compel the production of such document. No party shall use or refer to any information contained within such document unless and until the producing party agrees or a motion to compel is granted by the Court.

c. **Confidentiality.** Each document produced may include a confidentiality label designating it consistent with the terms of the confidentiality stipulation to be agreed upon by the parties.

DATED: May 14, 2014

DLA PIPER LLP

By: /s/ Christopher P. Hall  
Christopher P. Hall  
1251 Avenue of the Americas  
New York, New York 10020  
Tel: (212) 335-4705

Attorneys for LCOR Alexandria L.L.C.  
and PTO Holdings LLC

**IT IS SO-ORDERED:**

May 15, 2014  
New York, New York

/s/ Shelley C. Chapman  
HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE

WEIL, GOTSHAL & MANGES LLP

By: /s/ Ralph I. Miller  
Ralph I. Miller  
Jacqueline Marcus  
767 Fifth Avenue  
New York, New York 10153  
Tel: (212) 310-8000

Attorneys for Lehman Brothers  
Holdings Inc. and Lehman Brothers  
Special Financing Inc.